IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 21758 of 2007(M)

PETITIONER:

V.SHEEBA, U.P.S.A., SIVAGIRI HIGHER SECONDARY SCHOOL, VARKALA.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

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1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (A) DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. DISTRICT EDUCATIONAL OFFICER, ATTINGAL.

4. THE MANAGER,
SIVAGIRI HIGHER SECONDARY SCHOOL,
VARKALA.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 21758 OF 2007

Dated this the 7th day of August, 2007

J U D G M E N T

Petitioner is stated to be working as Upper Primary School Assiostant (Natural Science) in Sivagiri Higher Secondary School at Varkala, which is an aided institution under the management of respondent No.4.

2. According to the petitioner, she had worked in two short spells between October 1, 1991 to December 4, 1991 and from December 6, 1991 to March 9, 1992, before she was appointed against a regular vacancy of U.P.S.A with effect from June 1, 1992.

3. It appears that during the academic year 1996-97 one post of U.P.S.A. was reduced due to fall in student strength. It is contended by the petitioner that she was not paid salary for the period from April 1, 1997 to July 14, 1997. She contends that teachers who were similarly situated like the petitioner and some of her juniors working in other schools under the same management in Kottayam district, were given salary for the same period in spite of the fact that there was division fall in those schools as well. According to her, she is entitled to get a similar treatment since she had been working in the school from October 1, 1991.

4. I am afraid the contentions raised by the petitioner cannot be

entertained or considered at this distance of time particularly since petitioner was entitled to challenge the order, if any, that was passed by the departmental authority at the relevant point of time. It is contended on behalf of the petitioner that she had submitted Ext.P2 representation before respondent No.2 in February 2003 in this regard. The limited prayer made in this writ petition is to issue a direction to the 2nd respondent to consider Exts. P1 and P2.

I am not satisfied that the above prayer should be allowed. I do not propose to make any further observation on the merit of the contentions raised by the petitioner at this stage. However, I make it clear that it will be open to the petitioner to pursue the remedy, if any, available to her under law.

The writ petition is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007